

Before the
FEDERAL COMMUNICATIONS COMMISSION **FCC MAIL ROOM**
Washington, D.C. 20554

DEC 26 1996

In the Matter of)

) CC Docket NO. 96-45

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Federal-State Joint Board
on Universal Service)

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PLEASE TAKE NOTICE that on December 17, 1996, the original and four copies of the attached COMMENTS ON FEDERAL-STATE JOINT BOARD RECOMMENDED DECISION BY WAUBONSEE COMMUNITY COLLEGE was filed with the Office of the Secretary, Federal Communications Commission, room 222, 1919 M Street, N.W., Washington, D.C. 20554.

WAUBONSEE COMMUNITY COLLEGE

By: William C. Kling

Its General Counsel

CERTIFICATE OF SERVICE

I, William C. Kling, General Counsel, Waubonsee Community College, certify that I served the attached COMMENTS ON FEDERAL-STATE JOINT BOARD RECOMMENDED DECISION BY WAUBONSEE COMMUNITY COLLEGE to the parties on the attached service list by depositing same in the mailbox located in Sugar Grove, Illinois, 60554, on December 17, 1996, at 5:00 p.m.

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**COMMENTS ON FEDERAL-STATE JOINT BOARD RECOMMENDED DECISION
BY WAUBONSEE COMMUNITY COLLEGE**

NOW COMES, Waubonsee Community College, Sugar Grove, Illinois ("Waubonsee") by and through its General Counsel, William C. Kling, and hereby submits its comments in response to the Federal-State Joint Board Recommended Decision, adopted November 7, 1996 ("Recommended Decision") to address issues critical to the Federal Communications Commission's ("FCC") fulfillment of its statutory obligation under the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, 47 U.S.C. sec. 151 et seq. ("Act") to enhance access to advanced telecommunications and information services for all public schools, libraries and health care providers.

Community colleges are integral to the Nation's educational system and its economy. As a matter of sound public policy, community colleges should have access to discounted rates available to schools, libraries and health care providers.

Community colleges are public tax-supported institutions. Of the nearly 2.3 million 1992 first-time college freshmen, approximately 50% attended a community college. During the 1991-92 academic year, 39% of the nation's college students were enrolled in community colleges.¹ Community colleges are key players in training the workforce of the future. Teaming up with business and industry, community colleges train and retrain thousands of employees

¹ "Pocket Profile of Community Colleges: Trends & Statistics, 1995-96", American Association of Community Colleges, Association of Community College Trustees,

annually, providing an invaluable economic resource to local communities. In 1992, 96% of community colleges provided workforce training programs for business and industry employers in their communities, including programs in workplace literacy and English as a Second Language.

Part of servicing the community is ensuring that state and local tax dollars supporting community colleges are well spent. Their dependence on local sources makes financial accountability even more important. Community college expenditures illustrate their emphasis on teaching and learning. Accessibility has long been a community college keystone, and colleges strive constantly to keep tuition costs affordable.

Community colleges have been at the forefront of distance education. Community colleges often act as the community catalyst for bringing the various educational sectors together to deliver education to remote locations.

Waubonsee Community College: An illustration of distance education

Waubonsee is a community college district organized and existing under the laws of the State of Illinois. It is governed by an elected 7-member Board of Trustees. Waubonsee serves approximately 6500 credit hour students per semester. It also serves no less than 10,000 residents of its district in areas such as General Equivalency Diploma training, adult basic education, English as a second language, community education, continuing education, and corporate development and training.

In 1985, Waubonsee began developing a two-way interactive distance learning system to serve its rural areas and its extension center located in Aurora, Illinois. In order to facilitate broader transmission, Waubonsee established the Telecommunications Instructional Consortium("TIC") which, from its inception, included four high schools in its district. The Illinois Math and Science Academy, a state-supported residential three-year high school specializing in serving the needs of gifted students in the areas of mathematics and the sciences, joined the TIC the second year of its existence.

The TIC-member high schools collaborated with Waubonsee to provide instructional programming. By 1992, forty (40) college classes and approximately 12 high school classes were taught over the network. Also in 1992, the Illinois Community College Board appointed a task force to investigate the educational application of telecommunications in the State of Illinois and investigate the feasibility of establishing a statewide telecommunications network. Dr. John Swalec, President of Waubonsee, chaired the task force which prepared a Statewide telecommunications plan based on the two-way interactive system in place at Waubonsee. The plan outlined the implementation of a number of regional telecommunications systems that would eventually tie the entire state together. The plan was accepted in 1993.

At that time, Waubonsee connected with three other community college districts in addition to the four high schools previously mentioned, the Illinois Math and Science Academy, and a private four-year university. During the first year of the consortium, 55 college classes and approximately 12 high school classes were delivered over the system. At present, the Fox Valley Educational Alliance is comprised of 4 community colleges, 2 two-year public universities one of which has a teaching hospital in its system, 10 high school districts and 5 private colleges and universities.

With regard to serving the educational and training needs of health care providers, Waubonsee is currently developing a partnership with a university/teaching hospital to provide distance learning services. In addition, Waubonsee and its other consortium members are working towards offering allied health courses over the distance learning network.

With regard to the relevance of the provisions of the Act relating to libraries, Waubonsee's learning resource center is the second largest library in the district. It serves a wide variety of students, staff and community residents. Community patrons comprise approximately 15% of library usage (this includes high school classes which come to the library for instruction and materials). Many community patrons particularly those in the more rural areas of our district have come to rely on Waubonsee's library as an invaluable community resource. Waubonsee does not receive special funding from the state for supporting its learning resource center.

Waubonsee Supports the Joint Board Recommendation enabling educational consortia to aggregate purchases through the discount mechanism in Section 254(h) of the Act.

The Recommended Decision includes a discussion of consortial discount rates.² In section 596, the Joint Board concludes that the benefits of permitting schools and libraries to join in consortia with other customers in their community, including community colleges, outweigh the danger that such aggregations will lead to significant abuse of the prohibition against resale. The Joint Board concluded,

Severely limiting consortia would not be in the public interest because it would serve to impede schools and libraries from becoming attractive customers or from benefiting from efficiencies.³

However, the Joint Board continued by stating,

The Commission [should] require providers to keep and retain careful records of how they have allocated the costs of shared facilities in order to charge eligible schools and libraries the appropriate amounts.⁴

Waubonsee respectfully submits that it would not be practical to restrict certain uses to particular consortia members. To do so would provide an atmosphere of competition which would detract from the cooperative nature of the consortium. Technically, any method of gatekeeping would be cost-prohibitive and inefficient both in terms of equipment and manpower.

Therefore, while Waubonsee supports the recommendation that,

...state commissions undertake measures to enable consortia of eligible and ineligible entities to aggregate their purchases of telecommunications services and other services being supported through the discount mechanism in accordance with the requirements set forth in section 254(h).⁵,

Waubonsee avers that maximum flexibility should be provided to community colleges engaged in consortial activities to achieve discounted rates.

² Recommended Decision, pp.305-307, sec. 594-596.

³ Id. at 596.

⁴ Id.

⁵ Id.

Waubonsee supports the Joint Board's finding that the definition of health care providers eligible for discounts includes community colleges offering health care instruction.

In section 712, the Joint Board,

...acknowledges Community Colleges' concern that community colleges be considered eligible for universal service support and we conclude that many such institutions may well fit in the definition of 'post-secondary educational institutions offering health care instruction' (citing 47 U.S.C. sec. 254(h)(5)(b)(i)). It would thus appear that an otherwise eligible subdivision of such an institution would be able to obtain supported services where 1) the entity offers health care instruction; 2) its officers can certify that the telecommunications services would be used exclusively for purposes reasonably related to the provision of such instruction, and 3) the health care provider is legally authorized to provide such instruction in that state.⁶

Elements of Waubonsee's allied health program include an Associate Degree in Nursing program, a Certificate in Respiratory Therapy program, a Certified Nurses Assistant program, and a series of on-going continuing education courses for health care professionals. All of these programs require on-site clinical training at hospitals and other health care facilities including those in rural areas as defined in the Recommended Decision.⁷ In addition, Waubonsee routinely provides continuing education teleconferencing for area health care providers to provide health care professionals up-to-date information on medical procedures and developments in health care research.

As previously mentioned, Waubonsee is currently developing a partnership with a university/teaching hospital to provide distance learning services. In addition, Waubonsee and its other consortium members are working towards offering allied health courses over the distance learning network.

⁶ Id. at sec. 712.

⁷ Id. at 693. Rural areas are generally defined as those in non-metro counties. Waubonsee's district is comprised of portions of five counties, 3 of which are non-metro.

In light of the foregoing, the provisions in the Recommended Decision have a direct and consequential impact on Waubonsee and other community colleges actively involved in providing health care instruction and other educational services to health care providers. As addressed in the Recommended Decision high-quality services are essential for health care instruction. Specifically, multiple T-1 lines or DS3 are necessary to provide adequate service including simultaneous use of multiple classrooms and high resolution for image quality.⁸

Waubonsee encourages the FCC to broaden the definition of libraries to include those at community colleges.

Waubonsee agrees with the Joint Board's conclusion that, the Commission adopt a rule that provides schools and libraries with the maximum flexibility to purchase whatever package of telecommunications services they believe will meet their telecommunications service needs most effectively and efficiently.⁹

Further, Waubonsee supports the recommendation that, "the Commission expressly acknowledge that schools and libraries may receive discounts on charges for internal connections, as well as for all commercially available telecommunications services and Internet access and other information services."¹⁰

Waubonsee also supports the Joint Board's determination permitting schools and libraries to aggregate with community colleges.¹¹

Waubonsee, however, respectfully avers that limiting the definition of libraries to that under the Library Services and Construction Act (i.e., excluding libraries which are an "integral part of an institution of higher education", 47 U.S.C. sec. 254(h)(4)) is contrary to public policy and does not provide sufficient discounts to libraries at community colleges which often provide

⁸ Id. at 651.

⁹ Id. at p. 235, sec. 458.

¹⁰ Id. at p. 244, sec. 473.

¹¹ Id. at p. 276, sec. 537.

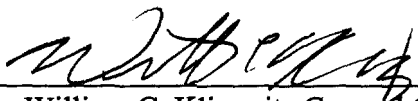
the primary library resources for a community.

Waubonsee's learning resource center is the second largest library in the district. It serves a wide variety of students, staff and community residents. Community patrons comprise approximately 15% of library usage (this includes high school classes which come to the library for instruction and materials). Many community patrons particularly those in the more rural areas of our district have come to rely on Waubonsee's library as an invaluable community resource. Waubonsee does not receive special funding from the state for supporting its learning resource center.

Conclusion

In light of the foregoing, Waubonsee respectfully requests the FCC to fully consider the importance of community colleges and the need to provide discounted rates for specific community college functions, particularly, consortial activities, health care instruction, and library services.

Respectfully Submitted,
WAUBONSEE COMMUNITY COLLEGE

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